IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2216 OF 2004

Worli Siddhivinayak Co-op.Housing
Society Ltd. ..Petitioner

Versus

The State of Maharashtra & Ors...Respondents

Mr. N.V. Walawalkar with Mr. S.A. Sawant, & Ms. Nutan Moily,
for the Petitioner

CORAM: F.I. REBELLO, J.
DATE : 16th September,2004

P.C.:

1. Rule. Heard forthwith.

2. Considering the controversy it is not necessary to pass detailed order. The appeal filed by the office bearers of the petitioner is pending before the appellate Authority. That Appeal will have to be heard and disposed of. Pending the hearing and final disposal of the Appeal the Administrator appointed will have to act as the Administrator of the society and will discharge his functions according to law and in terms of the order passed by this Court.

3. It is contended on behalf of the society that the records are with the Administrator and they have been sealed. On behalf of the contesting respondents it is pointed out that no such records are available. The Administrator after giving notice to the Appellants in the Appeal and to respondent No.6 to carry out inspection of the records available. If the records are not available the Administrator on a demand being made by him to the appellants in the appeal the said appellants to make available the said records. It is only after this exercise is completed and the records are made available to the Administrator either by the appellants in the appeal or the respondent Nos. 7 to 10 in the present Writ Petition will the Appellate Authority hear the appeal.

4. Rule made absolute accordingly. No order as to costs.

5. On receiving the records the Administrator to file an application before the Appellate Court that there has been substantial compliance with the directions of this Court whereupon the Appellate Authority to hear and dispose of the Appeal within four weeks thereafter.

6. Parties to serve a copy of this order on the Administrator.

Authenticated copy be provided to the parties.

(F.I.REBELLO, J.)